

104TH CONGRESS  
2D SESSION

# S. 1859

To create a point of order against legislation which diverts savings achieved through medicare waste, fraud, and abuse enforcement activities for purposes other than improving the solvency of the Federal Hospital Insurance Trust Fund under title XVIII of the Social Security Act, to ensure the integrity of such trust fund, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

JUNE 11, 1996

Mr. GRAHAM (for himself and Mr. BAUCUS) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

---

## A BILL

To create a point of order against legislation which diverts savings achieved through medicare waste, fraud, and abuse enforcement activities for purposes other than improving the solvency of the Federal Hospital Insurance Trust Fund under title XVIII of the Social Security Act, to ensure the integrity of such trust fund, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Medicare Restore  
3 Trust Act of 1996”.

4 **SEC. 2. PROHIBITION ON CONSIDERATION OF LEGISLATION**

5                   **THAT     DIVERTS     SAVINGS     ACHIEVED**  
6                   **THROUGH MEDICARE WASTE, FRAUD, AND**  
7                   **ABUSE ENFORCEMENT ACTIVITIES FOR PUR-**  
8                   **POSES OTHER THAN IMPROVING THE SOL-**  
9                   **VENCY OF THE FEDERAL HOSPITAL INSUR-**  
10                  **ANCE TRUST FUND.**

11       (a) POINT OF ORDER.—It shall not be in order in  
12 the Senate to consider any bill, conference report, or any  
13 other legislation that would use savings achieved through  
14 enforcement activities that are intended to combat waste,  
15 fraud, and abuse under the medicare program under title  
16 XVIII of the Social Security Act as offsets for purposes  
17 other than to improve the solvency of the Federal Hospital  
18 Insurance Trust Fund established under section 1817 of  
19 such Act (42 U.S.C. 1395i) (in this Act referred to as  
20 the “trust fund”).

21       (b) WAIVER.—The point of order described in sub-  
22 section (a) may be waived or suspended in the Senate by  
23 a  $\frac{3}{5}$  majority vote of the Senators duly chosen and sworn,  
24 or by the unanimous consent of the Senate.

25       (c) APPEALS.—

1           (1) IN GENERAL.—Appeals in the Senate from  
 2           decisions of the Chair relating to this section shall  
 3           be limited to 1 hour, to be equally divided between  
 4           and controlled by, the appellant and the manager of  
 5           the bill, conference report, or other legislation, as  
 6           the case may be.

7           (2) WAIVER.—An affirmative  $\frac{3}{5}$  majority vote  
 8           of the Senators duly chosen and sworn, or a unani-  
 9           mous consent agreement of the Senate shall be re-  
 10          quired to sustain an appeal of the ruling of the  
 11          Chair on a point of order raised under this section.

12 **SEC. 3. ENSURING THE INTEGRITY OF THE FEDERAL HOS-**  
 13 **PITAL INSURANCE TRUST FUND.**

14          (a) DETERMINATION.—Prior to the end of each fiscal  
 15          year, the Secretary of Health and Human Services (in this  
 16          section referred to as the “Secretary”) and the Attorney  
 17          General shall jointly determine—

18               (1) the portion of the costs charged during such  
 19               fiscal year to any account established within the  
 20               Federal Hospital Insurance Trust Fund under title  
 21               XVIII of the Social Security Act (42 U.S.C. 1395 et  
 22               seq.) to combat health care waste, fraud, and abuse,  
 23               which do not relate to the administration of the  
 24               medicare program; and

1           (2) the amount of funds deposited into such ac-  
2           count of such trust fund during such fiscal year that  
3           were attributable to enforcement activities that were  
4           intended to combat health care waste, fraud, and  
5           abuse, which do not relate to the administration of  
6           the medicare program.

7           (b) CERTIFICATION.—If the portion determined  
8           under paragraph (1) of subsection (a) exceeds the amount  
9           determined under paragraph (2) of such subsection, the  
10          Secretary and the Attorney General shall certify to the  
11          Secretary of the Treasury the amount, which shall be  
12          equal to the amount of such excess, which should be trans-  
13          ferred from the General Fund of the Treasury to such  
14          trust fund, in order to ensure that such trust fund is fully  
15          reimbursed for any expenditures made from the account  
16          described in subsection (a) that are not related to the ad-  
17          ministration of the medicare program under title XVIII  
18          of the Social Security Act.

19          (c) TRANSFER OF FUNDS.—The Secretary of the  
20          Treasury shall transfer to such trust fund from the Gen-  
21          eral Fund of the Treasury, out of any funds in the General  
22          Fund that are not otherwise appropriated, an amount  
23          equal to the amount certified under subsection (b).

○